

REMARKS

This responds to the Office Action dated February 16, 2007. Claims 1, 19, 24, 29, and 41 are amended, no claims are canceled or added; as a result, claims 1-52 remain pending in this application.

Claims 1, 24, 29, and 41 were amended to incorporate an element from original claim 19. An example of support for the amendment to claim 19 can be found on pages 8 and 9 of the specification. Applicant notes that dependent claim 7 was rejected on the first page of the Office Action, but apparently was not addressed subsequently in the Office Action. Applicant requests reconsideration and allowance of claim 7.

§102 Rejection of the Claims

Claims 1-5, 9-11, 13-17, 21, 24-26, 29-35, and 41-47 were rejected under 35 U.S.C. § 102(b) for anticipation by Erickson et al. (U.S. Patent No. 6,128,528, "Erickson").

Applicant believes that claims 1, 24, 29, and 41 are allowable because the Office Action indicated original claim 19 would be allowable if written in independent form.¹

Applicant respectfully traverses the rejection as applied to the claims in their present form. Applicant cannot find in Erickson, among other things, a device comprising
configurable memory coupled to the controller for storage of the sample values,
wherein the memory is configurable by the controller based on the programmable
sampling, and wherein the memory includes a buffer length table,

as presently recited in claim 1 and incorporated into claims 2-5, 9-11, 13-17, and 21, or a device comprising,

memory coupled to the controller, wherein the controller programmably
configures memory into a reserved configuration of buffers based on a lead
configuration of the implantable pulse generator, and wherein the memory
includes a buffer length table,

as presently recited in claim 24 and incorporated into claims 25 and 26, or a method comprising
programmably configuring a memory included in an implantable medical device
into a plurality of buffers and a buffer length table, wherein the buffers accept the

¹ Office Action, pg. 7.

data based on a number of requests and types of sensed activity requested by the at least one user,

as presently recited in claim 29 and incorporated into claims 30-35, or a device comprising

memory coupled to the controller, wherein the controller predetermines a configuration of a portion of the memory, the configuration including a number of buffers and sizes of buffers, to transfer sampled sense channel data from the at least one A/D converter to a configured buffer, and wherein the memory includes a buffer length table,

as presently recited in claim 41 and incorporated into claims 42-47.

Ericksen states that the AEGM and VEGM [signals] are continually sampled and digitized and the digitized AEGM and VEGM are provided to RAM memory registers or buffers in system IC 102 for temporary storage on a FIFO basis.² Thus, the digitized AEGM and VEGM in Ericksen always goes to the same temporary storage and not to “memory ... configurable into a number of buffers by the controller based on the programmable sampling,” as recited in claim 1. Ericksen further states that when a tachyarrhythmia episode is detected, the temporarily stored, digitized AEGM and VEGM values are shifted into memory registers.³ Thus, in Ericksen AEGM and VEGM are shifted into memory based on a tachyarrhythmia episode and not “based on the programmable sampling,” as recited in claim 1.

Additionally, Applicant cannot find in Ericksen,

a controller coupled to the programmable sampler, wherein the controller programmably enables the sampler to selectively sample the electronic signals,

as recited in claim 1. Instead, Ericksen states that the AEGM and VEGM [signals] are continually sampled and digitized.⁴ Therefore, Ericksen does not disclose a device that “programmably enables the sampler to selectively sample the electronic signals.”

Applicant respectfully requests reconsideration and allowance of claims 1-5, 9-11, 13-17, 21, 24-26, 29-35, and 41-47.

² Ericksen, col. 13 lines 16-19.

³ Ericksen, col. 13 lines 20-22.

⁴ Ericksen, col. 13 lines 16-17.

§103 Rejection of the Claims

1. Claims 6, 8, 23, 28 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ericksen et al. (U.S. Patent No. 6,128,528) as applied to claims 1, 24, and 29 above, and further in view of Lee (U.S. Patent Application Publication No. 2004/0167416). Applicant respectfully traverses the rejection.

Claims 6, 8, and 23 ultimately depend on base claim 1, claim 28 depends on base claim 24, and claim 40 depends on base claim 29. Applicant believes base claims 1, 24, and 40 to be allowable at least for the reason that Ericksen does not teach or suggest all of the elements of the base claims. The addition of Lee fails to provide the missing elements. Applicant respectfully requests reconsideration and allowance of claims 6, 8, and 23.

2. Claims 12 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ericksen et al. (U.S. Patent No. 6,128,528) as applied to claims 1 and 29 above, and further in view of Stone et al. (U.S. Patent No. 6,045,513, "Stone"). Applicant respectfully traverses the rejection.

Claim 12 ultimately depends on base claim 1, and claim 36 ultimately depends on base claim 29. Applicant believes base claims 1 and 29 to be allowable at least for the reason that Ericksen does not teach or suggest all of the elements of the base claims. The addition of Stone fails to provide the missing elements. Applicant respectfully requests reconsideration and allowance of claims 12 and 36.

3. Claims 18 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ericksen et al. (U.S. Patent No. 6,128,528). Applicant respectfully traverses the rejection.

Claim 18 ultimately depends on base claim 1, and claim 39 depends on base claim 29. Applicant believes base claims 1 and 29 to be allowable at least for the reason that Ericksen does not teach or suggest all of the elements of the base claims. Applicant respectfully requests reconsideration and allowance of claims 18 and 39.

4. Claims 48-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ericksen et al. (U.S. Patent No. 6,128,528) as applied to claim 41 above, and further in view of Bardy (U.S. Patent No. 6,312,378). Applicant respectfully traverses the rejection.

Claim 48 ultimately depends on base claim 41. Applicant believes base claims 48-52 to be allowable at least for the reason that Ericksen does not teach or suggest all of the elements of

the base claims. The addition of Bardy fails to provide the missing elements. Applicant respectfully requests reconsideration and allowance of claims 48-52.

Allowable Subject Matter

Claims 19 and 20 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 24, 29, and 41 were amended to incorporate an element from original claim 19. Claim 19 is amended. Claim 20 ultimately depends on base claim 1. Applicant acknowledges the allowable subject matter but believes the base claim to be allowable in its present form.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2172 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date May 10, 2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10 day of May 2007.

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Name

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Signature